

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:99-CR-181-1-MU**

UNITED STATES OF AMERICA)
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v.)
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PAUL DAMERON MIDGETT)
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ORDER

THIS MATTER IS before the Court upon Defendant Paul Dameron Midgett's Motion to Continue Sentencing Hearing. The Government has filed a response opposing the continuance. Accordingly, this Motion is ripe for disposition.

Defendant's main concern in filing this motion to continue is simply that he and his counsel are not adequately prepared for the sentencing hearing. However, this matter has been previously continued while many of Defendant's requests for materials needed for the hearing have been granted, as well as counsel's several requests to travel to Atlanta to meet with his client. The Court has been more than accommodating of Defendant's many requests and in the interest of justice the hearing shall proceed as scheduled.

Further, the Court notes that defense counsel was not able to locate on the docket the Order granting his most recent request for travel which he filed on November 10, 2005, appearing on the docket as document number 284. The very next docket entry, although out of numerical order because the motion was received in chambers via facsimile prior to its entry on the docket, is entry number 282—the Order granting the Motion to Travel, which was signed on November 14, 2005. In any event, counsel did travel to Atlanta and was able to meet with his client.

IT IS THEREFORE ORDERED that Defendant's Motion to Continue Sentencing Hearing is hereby **DENIED**.

This the 1st day of December, 2005.



Judge Graham C. Mullen